



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,985	11/05/2001	Newton B. White JR.	GREN.P-001-2	4151
57379 7590 01/22/2007 Oppedahl Patent Law Firm LLC - GRENE X P.O. BOX 4850 FRISCO, CO 80443-4850			EXAMINER SON, LINH L D	
			ART UNIT	PAPER NUMBER
			2135	
SHORTENED STATUTORY PERIOD OF RESPONSE		NOTIFICATION DATE		DELIVERY MODE
3 MONTHS		01/22/2007		ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/22/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DOCKET-OPPEDAHL@OPPEDAHL.COM
nbw@nbwLLC.com

Office Action Summary

Application No.

09/682,985

Applicant(s)

WHITE, NEWTON B.

Examiner

Linh LD Son

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responding to the Amendment received on 09/19/06.
2. Claims 1-11 are pending.
3. Examiner considers the change of priority status of the present application. As responded by the Applicant on 09/22/06, the present application is a divisional of pending US application number 09/381,742 filed August 21, 1998 and in which has priority back to its latest non-provisional of provisional application filing date of 08/22/1997.

Response to Arguments

4. Applicant's arguments filed on 09/19/06 are persuasive objected in light of limitation of claim 3. Therefore, the rejection of claims 3, 10, and 11 are withdrawn (See allowability subject matter below)
5. Applicant's arguments filed on 09/19/06 have been fully considered but they are not persuasive with respect to claim 1, 2, and 4-9.
6. As per remark on page 3 (Bullet 1-a), Applicant argues that Casselberry's failure to disclose required elements of claim 1-2. Examiner respectfully disagrees.
7. As per claim 1, Applicant recites "*a method of configuring the server program so that it listens for requests for secure hypertext transfer protocol sessions on the*

second port number rather than the first port number". As admitted by the Applicant on page of the remark and also taught in Casselberry in Chapter 5 page 10 (Network Settings), The HTTPS port can be modified to listen on any port ranging 1-65535. As Casselberry teaches in Chapter 5 page 10 (Network Settings), again the HTTPS port can be modified to listen on any port ranging 1-65535. Casselberry teaches of modifying the HTTPS port to any port that an ordinary skill in the art desires to without any restriction or technical difficulty. As strong supported by Casselberry's disclosure, it would have been obvious for one having ordinary skill in the art at the time of the invention was made to modify HTTPS protocol port to port 80 with a motivation of tricking the hacker to think of one protocol, but in reality it is another protocol.

8. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., On page 5 3rd paragraph, Applicant recites a limitation of the firewall blocks access to ports other than 80 as a reason to show Casselberry lacks in teaching to solve the invention's problem) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., On page 13 2nd Paragraph, "*Applicant has been unable to figure out how the cited portions of Casselberry, which teach about changing the port on which a server listens for packets, can be viewed as disclosing anything about (i) a system that might block a packet if various conditions were satisfied or (ii) sending a packet through such a system on its way to an HTTPS server*") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
10. As per remark on page 8-11, Examiner does not find any of the arguments direct to a specific limitation of claim 1.
11. As per remark on page 14 first paragraph, Applicant argues that "*The Examiner has provided no prior art to support the Examiner's view that it would have been obvious at the time of Applicant's invention for one skilled in the art to modify Casselberry to include, in combination, all of the elements of claim 4 that are missing from Casselberry, including, inter alia: (2-a-1) configuring a server program to listen for requests for secure hypertext transfer protocol sessions on a port number associated with a hypertext transfer protocol and (2-a-2) receiving at the server program on the port number associated with a hypertext transfer protocol a first data packet that has passed through a system that is configured in*

a manner that would block the first data packet if it were addressed to the port number associated with a secure hypertext transfer protocol." Respectfully reminding the Applicant, Claim 4 is depending on claim 1 and claim 1 does not recite "hypertext transfer protocol" or "hypertext transfer protocol port". As to the Applicant's argument, Casselberry also teaches of configuring a firewall with an access list to block all incoming packets except desired ports, for instant: port 80, 25, and 23 (See Casselberry Chapter 5, page 13 first paragraph). With this in mind in addition to the teaching of modifying HTTPS port to any port ranging from 1-65535 in Chapter 5, for one having ordinary skill in the art would realize that a packet addressed to the first port or for this case other than 80, 25, and 23 would not pass through. As evidenced, Casselberry provides a full support of claim 4.

12. Therefore, the rejection basis for claims 1-2, and ~~4~~⁴-9 dated 03/20/06 is maintained.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2135

14. Claims 1-2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rich Casselberry et al, (<http://www.docs.rinet.ru/PerfectIntranet/index.htm>), hereinafter "CASSELBERRY".

15. As per claims 1-2:

CASSELBERRY discloses "A method for securely communicating with a server program using a secure hypertext transfer protocol which by default uses a first port number associated therewith, said method practiced in connection with a hypertext transfer protocol which defaults to the use of a second port number associated therewith, "said method comprising: (a) configuring the server program so that it listens for requests for secure hypertext transfer protocol sessions on the second port number rather than the first port number" on (Chapter 5 page 9 Network Settings); (b) "receiving at the server program on the second port number a first data packet in a manner that is consistent with the secure hypertext transfer protocol, except that the request is received on the second port number rather than the first port number" on (Chapter 5 page 10, First Paragraph); (c) "outputting from the server program a response to the first data packet in a manner that is consistent with the secure hypertext transfer protocol, except that the request was received on the second port number rather than the first port number" on (Chapter 5 page 9 Network Settings). However, CASSELBERRY does not explicitly teach a method of redirecting the https service to a second port other than its standard port. Nevertheless, CASSELBERRY teaches a method of binding a https service to another port ranging from 1 to 65535 different from its standard port and also gives an example of how to access the host that has a

Art Unit: 2135

nonstandard port using an URL redirecting (Chapter 5, Page 9, last paragraph and Page 10 first paragraph). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to realize that CASSELBERRY teaches a method of binding any second port ranging from 1-65535 different from its standard port to tighten the security of its server by tricking the hacker to think of one protocol, but in reality it is another protocol.

16. As per claim 4:

CASSELBERRY does not explicitly teach "the first data packet is received by the server program on the second port, it passes through a system that is configured in a manner that would block the first data packet if the first data packet were addressed to the first port". Nevertheless, CASSELBERRY does teach a method of binding a nonstandard port a service hosted at a server (Chapter 5, Page 9, last paragraph and Page 10 first paragraph). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to realize that the new binding service would not recognize any packet format other than its own.

17. As per claims 5-9:

CASSELBERRY does not explicitly teach "the following additional step: after step (a), directing a client program to request information from the server program using a resource locator comprising an indication to use the secure hypertext transfer protocol and an indication to use the second port number". Nevertheless, CASSELBERRY teaches a method of binding a https service to another port ranging from 1 to 65535

Art Unit: 2135

different from its standard port and also gives an example of how to access the host that has a nonstandard port by using an URL port redirecting (Chapter 5, Page 9, last paragraph and Page 10 first paragraph). Therefore, it would have been obvious at the time of the invention was made for one having ordinary skill in the art to realize that CASSELBERRY teaches a method of binding any second port ranging from 1-65535 different from its standard port to tighten the security of its server by tricking the hacker to think of one protocol, but in reality it is another protocol.

Allowable Subject Matter

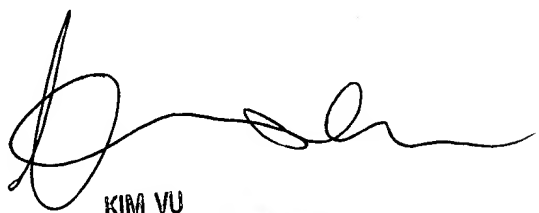
18. Claims 10-11 are allowed.
19. Claims 3 ^{is} ~~are~~ objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh LD Son whose telephone number is 571-272-3856. The examiner can normally be reached on 9-6 (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son
Examiner
Art Unit 2135



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100